IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4776 OF 2005

Vinayak Gurunath Malawade. ... Applicant.
Versus.
State of Maharashtra. ... Respondent.

Shri G.M.Savagare for the Applicant.

Shri R.Y.Mirza, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 10th August, 2005.

P.C.:

1. The Applicant and the co-accused are being prosecuted for offences punishable under sections 420, 467, 468, 471 read with section 34 of the Indian Penal Code. The offence is relating to collection of amounts from large number of persons on the promise of procuring them employment in various departments of the Government. The allegation of the prosecution is that the accused have collected large amount to the extent of Rs.50 lakhs. The allegation against the Applicant is that he acted as an agent of the Accused Nos.1 to 4 for collecting the amounts from various persons who are desirous of seeking employment.

2. The learned Advocate for the Applicant submitted that the statement of the brother of the Applicant indicates that the Applicant himself is a victim. He has placed reliance on the order passed in favour of the

co-accused Prakash Purohit and Hemant Zapate by which the said two Accused were enlarged on bail. He submitted that there is no direct evidence available against the Applicant and therefore, the Applicant deserves to be enlarged on bail. The learned A.P.P. pointed out the relevant material on record.

3. There are statements of several witnesses which implicate the Applicant. The statements show that the Applicant has played an active role in collection a total amount of about Rs.7,65,000/- from different persons.

4. The co-accused Prakash Purohit has been enlarged on bail mainly on the ground that there is no material available against him. The Applicant cannot place reliance on the order passed in favour of co-accused Zapate as he is enlarged on bail on the ground that the said accused was studying in 12th standard Science faculty. Therefore, the Applicant is not entitled to bail on the ground of parity.

5. Considering the gravity and magnitude of the offence alleged and the material on record about the role played by the Applicant, no case is made out for enlarging the Applicant on bail. The Application is, therefore, rejected.

Judge.